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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,500	10/24/2001	Guy Richards	24180-124005	3373

7590 02/22/2005

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EXAMINER

RAYFORD, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,500

Applicant(s)

RICHARDS ET AL.0

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 and 42-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims

1. Claims 1-50 are pending. Claims 1-24 and 42-50 have been withdrawn.
Claims 25-41 are treated here.

Bib Data Sheet

2. The Bib Data Sheet for this application shows "Rober" Knoll as a co-inventor.
Please correct this inventor's name.

Objection to Drawings

3. MPEP 608.02 states that drawing figures are to be numbered consecutively.
Figures 22A and 22B (on sheet 12/15) appear to be out of order.
Please correct the numbering.

Title

4. The examiner suggests that the title be revised to read: --PREFORMS FOR POLYPROPYLENE CONTAINERS--.

Withdrawal of Rejections

5. All of the 35 USC 112, 102 and 103 rejections set out in the 27 August 2004 office action ("the last office action") are withdrawn in view of the amendments, arguments and declaration submitted in/with applicants' response of 26 November 2004 ("the last response").

New Rejections

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 25-32 and 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Oas et al (US 4,357,288).

Oas discloses polypropylene containers/bottles (title, abstract) made from injection molded parisons (abstract; col. 1, lines 45-46; and col. 4, line 32) via reheating (col. 2, line 22) and stretch blow molding (abstract).

At col. 4, line 3, Oas says the thickness of the bottle wall is said to be 15-30 mils (i.e., 0.015 to 0.03 inch). At col. 4, line 27, the thickness of the parison wall is said to be 0.16 inch. Thus, the parison is 2.3 times thicker than the bottle made from it.

In Oas' Figure 6, which is explained at col. 5, lines 41-56, the parison 15 has a neck 14 with a flange at its base (see the area just above the neck 14).

The parisons inherently have sidewalls and longitudinal axes.

The radial stretch ratio of claim 38 would be inherent in the production of the Oas bottles.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 25-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Oas in view of Collette (EP 0737621A2).

Oas is discussed above. It fails to teach a parison having a thicker base area.

Collette teaches that preforms should have thicker base areas (page 4, lines 43-53) to resist cracking. Its parisons make blow molded bottles whose walls are 7-9 times thinner than the parisons (claims 13 and 17).

The examiner notes that "preform" and "parison" are interchangeable.

Oas and Collette are analogous because they both deal with parisons for blow molded bottles, which bottles have sidewalls that are several times thinner than the parisons from which they are made.

It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the thicker base of the Collette parisons in the Oas parisons in order to produce blow molded bottles with enhanced resistance to cracking.

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The motivation to employ the thicker base of the Collette parisons in the Oas parisons is found at page 4, lines 43-53 of Collette, where crack resistance is taught.

It is deemed desirable to make blow molded bottles having improved crack resistance so that their useful lives can be extended.

Response to Arguments

11. Applicant's arguments with respect to claims 25-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

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